# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: §
    Cragun et al. §
§
Serial No.:  10/731,080 §
§
Filed:  December 9, 2003 §
§
For:  ANNOTATION STRUCTURE §
     TYPE DETERMINATION §

Confirmation No.:  3761

Group Art Unit:  2176

Examiner:  Michael K. Botts

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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<tr><td><b>CERTIFICATE OF MAILING OR TRANSMISSION</b><br><br>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Michael K. Botts, or electronically transmitted via EFS-Web, on the date shown below:<br><br>May 21, 2007      /Randol W. Read, Reg. No. 43,876/<br>Date          Randol W. Read</td></tr>
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Dear Sir:

## APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2176 dated December 21, 2006, finally rejecting claims 1-4 and 6-20. The final rejection of claims 1-4 and 6-20 is appealed. This Appeal Brief is believed to be timely since it is facsimile transmitted by the due date of May 21, 2007, as set by the filing of a Notice of Appeal on March 21, 2007. Please charge the fee of $500.00 for filing this brief to Deposit Account No. 09-0465/ROC920030193US1.

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**Real Party in Interest**

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

## Related Appeals and Interferences

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## Status of Claims

Claims 1-4 and 6-20 are pending in the application. Claims 1-20 were originally presented in the application. Claim 5 has been canceled without prejudice. Claims 1-4 and 6-20 stand finally rejected as discussed below. The final rejections of claims 1-4 and 6-20 are appealed. The pending claims are shown in the attached Claims Appendix.

## Status of Amendments

All claim amendments have been entered by the Examiner, including amendments to the claims proposed after the final rejection.

## Summary of Claimed Subject Matter

A.     CLAIM 1 - INDEPENDENT

One embodiment of the invention (see, e.g., Claim 1) provides a method for selecting an annotation structure for use in entering annotation data. See, *e.g.*, Page 25, Paragraph 0077; Page 26, Paragraph 0080; Figure 6A, Item 500, Figure 6B, Item 600. The method includes receiving a request from a user to create an annotation for at least one data object identified by a set of identifying parameters. See, *e.g.*, Page 25, Paragraph 0077; Figure 6A, Item 502. The method also includes retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user. See, *e.g.*, Page 25, Paragraph 0077; Figure 6A, Items 149, 504. The annotation structure defines one or more annotation fields into which annotation data will be entered. See, *e.g.*, Page 25, Paragraphs 0077-0078; Figure 6A, Item 149.

B.     CLAIM 7 - INDEPENDENT

One embodiment of the invention (see, *e.g.*, Claim 7) provides a method for annotating a set of disparate data points. See, *e.g.*, Page 25, Paragraph 0026; Page 26, Paragraph 0080; Figure 6A, Item 500; Figure 6B, Item 600. The method includes receiving a request from a user to create an annotation for a specified set of disparate data points from different data sources. See, *e.g.*, Page 25, Paragraph 0077; Pages 26-27, Paragraphs 0080-0081; Figure 6A, Item 502; Figure 6B, Items 602, 604, 608. The method also includes determining if the disparate data points are of the same type and if so, retrieving, from a configuration file, at least one annotation structure associated with the same type as the data points. See, *e.g.*, Page 25, Paragraph 0077; Pages 26-27, Paragraphs 0080-0083; Figure 6A, Items 149, 504; Figure 6B, Items 604, 608, 610, 612. The method further includes generating, based on the annotation structure, an interface for entering annotation information to be associated with the

specified set of data points. See, *e.g.*, Page 25, Paragraph 0078; Figure 6A, Items 506, 511.

## C. CLAIM 11 - INDEPENDENT

One embodiment of the invention (see, *e.g.*, Claim 11) provides a computer-readable medium containing an executable component for selecting an annotation structure for use in generating a form for entering annotation data which, when executed by a processor, performs operations. See, *e.g.*, Page 10, Paragraph 0036; Page 11, Paragraph 0039; Figure 2, Items 112, 114, 120. The operations include receiving a request from a user to create an annotation for at least one data point identified by a set of identifying parameters. See, *e.g.*, Page 25, Paragraph 0077; Figure 6A, Item 502. The operations also include retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data point based, at least in part, on the set of identifying parameters and a role of the user. See, *e.g.*, Page 25, Paragraph 0077; Figure 6A, Items 149, 504. The annotation structure defines one or more annotation fields into which the annotation will be entered. See, *e.g.*, Page 21, Paragraph 0069; Figure 6A, Item 149; Figure 5A, Items 550, 562, 544.

## D. CLAIM 18 - INDEPENDENT

One embodiment of the invention (see, *e.g.*, Claim 18) provides a system for creating annotations for data points contained in different type data sources. See, *e.g.*, Page 8, Paragraph 0031; Figure 2, Item 100. The system includes a set of annotation structures, each specifying one or more annotation fields. See, *e.g.*, Page 13, Paragraph 0046; Page 21, Paragraph 0069; Figure 3, Item 149; Figure 5A, Items 550, 562, 544. The system also includes at least one configuration file associating annotation structures with sets of disparate annotatable data points contained in different type data sources. See, *e.g.*, Page 13, Paragraph 0046; Pages 15-16, Paragraphs 0051-0052; Figure 1, Items 148, 149, 113, 117. The system further

includes an annotation server configured to receive a request from a user to create an annotation for at least one data point identified by a set of identifying parameters and retrieve, from the configuration file, information identifying at least one annotation structure associated with the at least one data point based on the set of identifying parameters and a role of the user.  See, *e.g.*, Page 15, Paragraph 0051; Page 25, Paragraph 0077; Page 13, Paragraph 0046; Page 11, Paragraphs 0039-0040; Figure 3, Items 113, 120, 140, 148, 149; Figure 6A, Items 502, 504.

## Grounds of Rejection to be Reviewed on Appeal

1.   Rejection of claims 1-4 and 6-20 under 35 U.S.C. 103(a) as being unpatentable over *Gupta et al.* (U.S. Patent No. 6,956,593 81, hereinafter, "*Gupta*").

## ARGUMENTS

**Rejection of Claims 1-4 and 6-20 under 35 U.S.C. § 103(a) over *Gupta*.**

*The Applicable Law*

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the first and third criterion.

*Applicants' Response to Examiner's Argument*

*Claims 1 and 11 and Dependents*

Applicants respectfully submit that the present rejection fails to establish at least the third criteria. For example, with respect to claims 1 and 11, and the claims that depend therefrom, the cited references, alone or in combination, do not describe "retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which annotation data will be entered."

The Examiner states that "the limitation of 'the annotation structure defining one or more annotation fields into which the annotation will be entered' is taught in *Gupta* as 'annotation identifier field 194,'" citing *Gupta,* Column 9, Lines 1-25. The cited section merely shows a field of an annotation. *See id.* The cited section contains no description of a further <u>annotation structure</u> which <u>defines</u> one or more annotation fields into which annotation data will be entered. Accordingly, Applicants submit that the cited

reference does not teach, show, or suggest "retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which annotation data will be entered." Withdrawal of the rejections and allowance of the claims is respectfully requested.

*Claim 7 and Dependents*

Claim 7 describes generating, based on an annotation structure, an interface for entering annotation information to be associated with the specified set of data points. Applicants respectfully submit that *Gupta* does not teach, show or suggest generating, based on an annotation structure, an interface for entering annotation information to be associated with the specified set of data points. *Gupta* merely discloses a user interface (figure 3, 152) that is displayed before a user selects data to annotate and the user interface for entering annotation information receives a user request to add an annotation. In response to Applicants' argument, the Examiner merely states disagreement, but provides no reason for disagreeing and no citation to *Gupta* describing the claimed subject matter. As described above, *Gupta* does not show the claimed subject matter. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

*Claim 18 and Dependents*

With respect to claim 18 and the claims that depend therefrom, the claims describe "an annotation server configured to receive a request from a user to create an annotation for at least one data point identified by a set of identifying parameters and retrieve, from the configuration file, information identifying at least one annotation structure associated with the at least one data point based on the set of identifying parameters and a role of the user." The Examiner previously cited Column 13, lines 1-10, column 15, line 66 through column 16, line 14 and Figure 3, element 10 as teaching the claimed element. However, *Gupta* merely describes an author field which contains data identifying the user who created annotation entry and who is the author of the

annotation. *See* Column 7, Lines 40-44. *Gupta* also teaches allowing the creator of an annotation set to identify which users are able to read and/or write to the annotation set. *See* Column 13, Lines 1-10. In a separate section, *Gupta* states that media content corresponding to a lecture may include sets for instructor's comments, assistant's comments, audio comments, text comments, student questions and each student's personal comments.

However, *Gupta* does not describe identifying at least one annotation structure associated with at least one data point based on a set of identifying parameters and a role of the user. With respect to Column 7, Lines 40-44 and Column 13, Lines 1-10, the cited sections merely describe identifying a user who created an annotation and permissions which identify specific users who are able to read and/or write to an annotation set. However, the cited sections contain no mention of a role of the user. *See id.* With respect to Column 13, Lines 1-10, the cited section merely describes different sets of annotations, and there is no indication that the different sets are used to identify an annotation structure associated with at least one data point based on a role of the user. Accordingly, Applicants submit that the cited sections do not describe identifying at least one annotation structure associated with at least one data point *based on a set of identifying parameters and a role of the user*. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

## CONCLUSION

The Examiner errs in finding that claims 1-4 6-20 are unpatentable over *Gupta* under 35 U.S.C. § 103(a). Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
**S-signed pursuant to 37 CFR 1.4,**

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## CLAIMS APPENDIX

1.      (Previously Presented)      A method for selecting an annotation structure for use in entering annotation data, comprising:

receiving a request from a user to create an annotation for at least one data object identified by a set of identifying parameters; and

retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which annotation data will be entered.

2.      (Original)      The method of claim 1, further comprising generating a graphical user interface, based on the at least one annotation structure, for receiving annotation data entered by a user.

3.      (Original)      The method of claim 1, wherein the set of identifying parameters comprises at least at least one parameter indicating a data source and at least one parameter indicating an annotatable data object within the data source.

4.      (Original)      The method of claim 1, wherein the set of identifying parameters comprises at least one parameter indicating a data source subtype specifying a particular type of the data source.

5.      (Canceled)

6.      (Previously Presented)      The method of claim 1, wherein retrieving the information identifying the at least one annotation structure comprises searching the configuration file for information identifying one or more annotation structures associated with the set of identified parameters and the role of the user.

7.      (Previously Presented)      A method for annotating a set of disparate data points, comprising:

receiving a request from a user to create an annotation for a specified set of disparate data points from different data sources;

determining if the disparate data points are of the same type;

if so, retrieving, from a configuration file, at least one annotation structure associated with the same type as the data points; and

generating, based on the annotation structure, an interface for entering annotation information to be associated with the specified set of data points.

8.    (Original)    The method of claim 7, further comprising, if the data points are of differing types, retrieving, from a configuration file, at least one annotation structure associated with a set of data points of the same differing types.

9.    (Original)    The method of claim 8, wherein retrieving the one or more annotation structures associated with the set of data points of the same differing types, comprises:

determining, for each differing type, if a number of data points in the specified set having that type falls within a range specified in the configuration file; and

if so, retrieving an identification of one or more annotation structures associated with the set of data points of the same differing types.

10.    (Original)    The method of claim 7, wherein retrieving the one or more annotation structures comprises retrieving only annotation structures associated with a specified role of the user.

11.    (Previously Presented)    A computer-readable medium containing an executable component for selecting an annotation structure for use in generating a form for entering annotation data which, when executed by a processor, performs operations comprising:

receiving a request from a user to create an annotation for at least one data point identified by a set of identifying parameters; and

retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data point based, at least in part, on the set of identifying parameters and a role of the user, wherein the annotation structure defines one or more annotation fields into which the annotation will be entered.

12. (Original) The computer-readable medium of claim 11, wherein retrieving the information identifying at least one annotation structure associated with the at least one data point is based, at least in part, on a credential of the user.

13. (Original) The computer-readable medium of claim 12, wherein the credential of the user comprises an identified role of the user.

14. (Original) The computer-readable medium of claim 11, wherein the at least one data point comprises a plurality of data points.

15. (Original) The computer-readable medium of claim 14, wherein the plurality of data points comprises data points from different data sources.

16. (Original) The computer-readable medium of claim 14, wherein retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object comprises:

determining if the plurality of data points are of differing types; and

if so, retrieving, from a configuration file, one or more annotation structures associated with a set of data points of the same differing types.

17. (Original) The computer-readable medium of claim 16, wherein retrieving the one or more annotation structures, comprises:

determining, for each differing type, if a number of data points in the specified set having that type falls within a range specified in the configuration file; and

if so, retrieving an identification of one or more annotation structures associated with the set of data points of the same differing types.

18. (Previously Presented) A system for creating annotations for data points contained in different type data sources, comprising:

a set of annotation structures, each specifying one or more annotation fields;

at least one configuration file associating annotation structures with sets of disparate annotatable data points contained in different type data sources; and

an annotation server configured to receive a request from a user to create an annotation for at least one data point identified by a set of identifying parameters and

retrieve, from the configuration file, information identifying at least one annotation structure associated with the at least one data point based on the set of identifying parameters and a role of the user.

19.    (Original)    The system of claim 18, wherein the at least one data point comprises a plurality of data points from at least two different data sources.

20.    (Original)    The system of claim 18, wherein the at least one configuration file comprises:

at least one point map associating one or more annotation structures with a data point of a single type; and

at least one disparate point set map associating one or more annotation structures with a set of data points, wherein the set of data points comprises at least two different type data points.

# EVIDENCE APPENDIX

None.

## RELATED PROCEEDINGS APPENDIX

None.